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December 19, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CERTIFIED NO. 7015 3430 0000 4449 9371

Ms. Karen Maples
Regional Hearing Clerk
US Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

Re: Notice of Proceeding to Assess a Class 1 Civil Penalty
Half Price Used Auto Parts, 551 Avenue P
Newark, New Jersey
Docket No. CWA-02-2017-3302

Dear Ms. Maples:

I have been requested by Half Price Used Auto Parts, LLC to respond to the referenced document received by the facility on November 28, 2016. We hereby Appeal the Proposed Penalty Assessment and contest the Administrative Complaint.

In accordance with 40 CFR, Section 22.15, we hereby respond to each allegation.

Findings of Fact and Conclusions of Law

1 thru 5 Facility Name, Status, Permit and Discharge Status, etc. Admit

6 & 7 A US EPA inspection was conducted at the facility on May 28, 2015. Violations were identified and an Administrative Compliance Order (CWA-02-2015-3058) issued on July 20, 2015. The Order required the facility to come into compliance as indicated.

Half Price Used Auto Parts Admits that violations existed at that time. As a result, the facility took immediate steps to comply with the Order and the Permit provisions. In addition, it took steps to respond as required by the Order.

8. This Finding of Fact and Conclusion is absolutely False and therefore Denied.

a) The period May 28, 2015 to November 17, 2016 is only 539 days not 778 as stated.

- b) The facility was in violation significantly fewer days than claimed and believes it has been in compliance with the Permit much of that time.
- c) It does not take into account that the Facility addressed and responded to the Order in any fashion whatsoever.

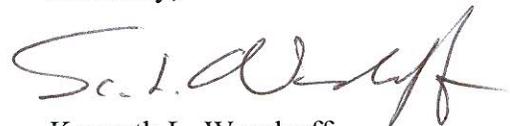
Responses to the July 20, 2015 Order were submitted on August 18, August 20, September 10 and October 9, 2015. A US EPA Letter dated March 3, 2016 labelled as an Overdue Notice was received by Half Price on March 7, 2016. As a result, I was retained to provide compliance assistance. I corresponded with Kimberly McEathron via Email on March 25, 2016 and submitted a letter dated April 2, 2016, received by US EPA on April 7, 2016. The letter was a formal response to the US EPA March 3, 2016 letter. A follow-up Email was submitted to Kimberly McEathron on April 27, 2016 reporting on an April 26, 2016 inspection.

In conclusion, the Penalty is excessive given the fact that the facility has responded to US EPA in a timely manner and has brought the facility into compliance as required. The Penalty Assessment appears to be the result of failure to take into account the compliance efforts put forth and the fact that the alleged number of days of non-compliance could never have occurred. Further, Half Price is a very small business with only two (2) employees and occupying only approximately 5,500 square feet (0.126 acre) of area adjacent to several other much larger facilities conducting similar activities. Due to poor business conditions in the past several years, the company is in arrears on current expenses. Such a Penalty would be devastating.

We respectfully request that the Regional Hearing Clerk and Presiding Officer review all the relevant documents in this matter. We can readily provide copies of all referenced documents, if necessary. We can attend a Hearing if necessary, however, the firm can not afford to hire an Attorney to represent it.

Thank you for your consideration in this matter. Please feel free to contact me to discuss this matter.

Sincerely,



Kenneth L. Woodruff
Consultant

- C: Tim Murphy, Esq., Asst. Reg. Counsel - US EPA Region 2
Justine Modigliani, Compliance Section Chief – UE SPA Region 2
Geraldine Torres – Half Price Used Auto Parts, LLC